

Application Number	Date of Appln	Committee Date	Ward
111996/JO/2016/C2	28th Apr 2016	25th Aug 2016	Ancoats And Clayton Ward

Proposal Variation of condition 1 (personal consent) attached to previously approved application 076853/JO/2005/C1 to amend name of operator to allow trading on Friday and Saturday until 1am

Location Dorsey House, 8 Dorsey Street, Ancoats And Clayton, Manchester, M4 1LU,

Applicant Mr J Ward , C/o Indigo Planning Ltd,

Agent Ms Deborah Baker, Indigo Planning Limited, Lowry House, 17 Marble Street, Manchester, M2 3AW,

Description

This application relates to the ground floor and basement of a five storey building known as Dorsey House that is located at 8 Dorsey Street in the City Centre. The site is located within the Northern Quarter area of the city centre and is within the Smithfield Conservation Area. The area surrounding the application site is commercial/residential in nature. There is a large residential population within this part of the city centre as well as many commercial premises including offices, bars and restaurants. The application premises is surrounded by residential properties in all directions, including directly above the bar. There are 13 apartments in the building on the upper floors above the bar and the Smithfield Housing estate is directly adjacent to the site. Dorsey Street is a cul-de-sac so does not have any through traffic.

The use of the ground floor of the application property as a bar was first approved in November 2000 under application 060262. The bar premises was extended into the basement by gaining approval in March 2002 under application 064061. The hours of operation allowed under both of these approvals were 12.00 to 23.00 Monday to Saturday and 12.00 to 22.30 on Sundays and Bank Holidays. Following this, application 076853 was granted in December 2005 and related to the variation of condition 7 attached to previously approved application 064061 to permit later opening hours on Friday and Saturday until 1am. The permission granted under application 076853 was a personal one to the applicant at that time with the following condition attached (condition 1):

The permission granted shall be personal to Mr Paul Astill & Mr Simon Cooper as Directors of Cord Bar Ltd and on the Cord Bar Ltd ceasing to occupy the premises the hours for which the permission is hereby granted shall be discontinued.

Reason - In granting this permission the City Council as local planning authority has had regard to the special circumstances of the applicants and their operation of the use.

In March 2013 a new operator took over the bar and as the later opening hours on Friday and Saturday nights previously approved in 2005 were personal to the operators at that time (i.e. Paul Astill and Simon Copper of Cord Bar Ltd), the new

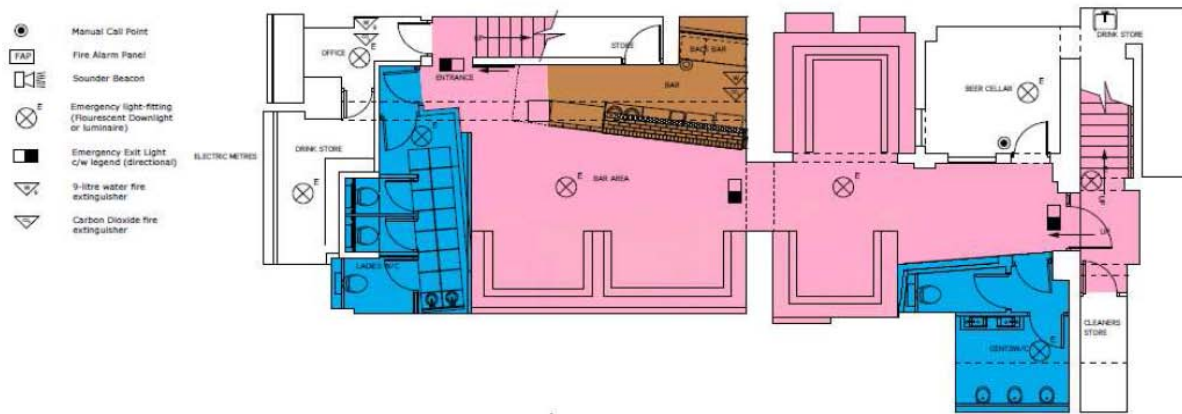
operator did not have planning permission to carry on trading until these times on Fridays and Saturdays (i.e. until 1am). The new operator stated that he did not appreciate the personal nature of the previous 2005 planning permission and for a time operated under the later hours without planning permission. Once this issue came to light the new operator resumed to the previous hours as given by the original planning permissions for the ground floor and basement granted in 2000 and 2002.

When the current application was first submitted in April of this year, the applicant sought to entirely remove the personal condition attached to planning permission 076853 to allow the current and any future operators to trade until 1am on Friday and Saturday. However, following discussions and in order for the City Council to monitor any potential impact of the later opening hours, the applicant is now willing to accept a further personal permission for a temporary period of 6 months.

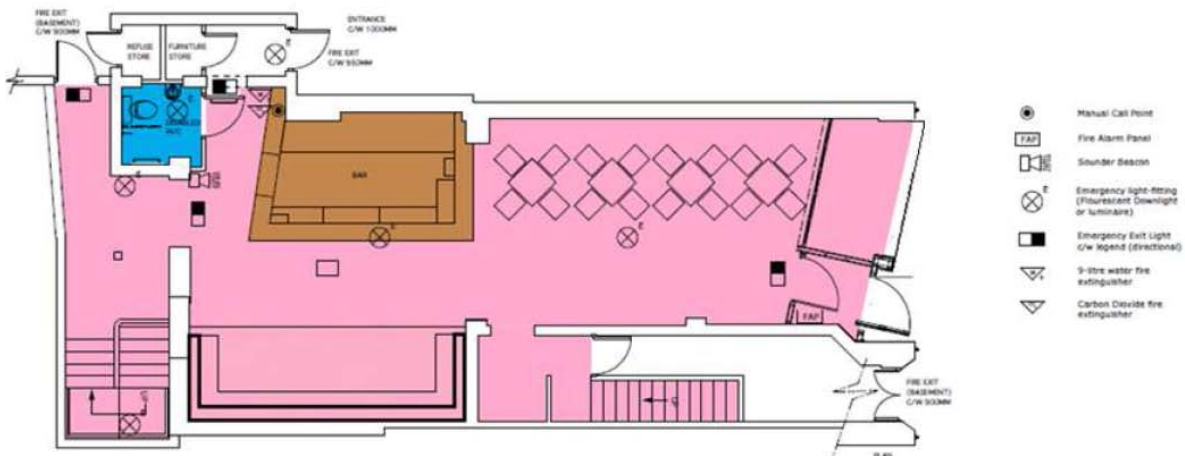
In support of the application, the applicant's agent has made the following points:

- The applicant/bar owner has been in constant contact with Environmental Health's Street Team officers since taking over the premises and they consider the current operator to be responsible and cooperative. It is acknowledged that there have been complaints made against the premises in the past but at the current time there are no open complaints against Cord. The applicant has also been in contact with a GMP Licensing Officer who has visited Cord and is happy with the arrangements.
- The sound levels for amplified music within the premises were recently reduced via a sound limiter (that now gives maximum noise levels below what is permitted under current noise standards) and no complaints were lodged following a series of temporary late night events this year for the May Bank Holiday, the Queen's Birthday and the opening of the Euros. On these occasions the bar traded until 1am.
- Additional door staff have been employed at the premises to ensure no lingering of patrons outside the premises and a smooth and quiet transition for those entering and leaving.
- The applicant holds regular meetings every quarter at the venue, with afternoon and evening slots, to allow local residents to drop in to voice any concerns they have with the premises. The applicant uses a range of methods to publicise these meetings including dropping letters through doors on the Smithfield Estate, Dorsey Street and neighbouring streets, posting letters through Royal Mail to these addresses (and gaining proof of postage), seeking the assistance of Environmental Health officers to spread the word, and putting up posters in the bar windows.
- An acoustic report has been submitted with the application that assesses noise breakout from within the bar.

In terms of refuse storage/disposal and recycling arrangements at the premises, general and recyclable waste is collected daily by a specialist refuse contractor, Manchester Bags and Bins. Refuse, glasses or glass bottles from the building are not disposed of in outside receptacles between the hours of 10pm and 8am, in line with the licensing conditions. Within these times, refuse is stored within the building and then moved by Cord Bar staff to an area outside the fire exit for collection at the relevant times.



Basement Level



Ground Floor Level

Consultations

Publicity - The application was advertised in the local press and on site as one in the public interest.

Neighbours - Occupiers of properties surrounding the application site were notified of the proposal.

11 letters of objection have been received (one of which was sent in direct and via Lucy Powell MP) where the main concerns raised are:

- Ongoing issues concerning patrons of the application site screaming, shouting and drinking in the street and urinating up walls.
- The current 11pm closing time is considered to be acceptable. Later hours would be unacceptable.

- Even for residents who do not live directly adjacent to the bar, the sound of people outside the bar (e.g. smoking or waiting for taxis) carries a long way.
- Rubbish bags are left lying around outside the premises which is then picked through by animals and homeless people, making the area look untidy. It is considered that later opening hours at the bar would make this situation even worse. One resident has stated that other people flytip within the car park area adjacent to Cord Bar as the bar leave their rubbish there and others think it is then OK for them to also dump rubbish there. Rubbish from the owner's other bar further along Tib Street is also often left there too.
- There are issues with regard to loud music emanating from the premises as well as issues with people smoking and drinking outside
- Residents have been intimidated in person after making complaints against the bar
- Dorsey Street is essentially a residential cul-de-sac and the bar opening late at night would have a negative impact on the lives of the surrounding residents
- This area of the Northern Quarter is saturated with large numbers of late opening bars and residents in this area already suffer from noise nuisance and antisocial behaviour. Granting opening hours until 1am would provide a further source of alcohol within an area already heavily populated with licensed premises and there is the potential for increased crime, disorder and public nuisance.

14 letters of support have been received. Nearby residents have stated that they find the level of music and crowd control/dispersal of patrons from the bar to be satisfactory and they do not cause a disturbance.

Environmental Health - The Licensing Out of Hours team have stated that the operator has other premises in the Northern Quarter (Simple in the Smithfield Buildings and until recently Wood, Wine and Deli, also in the Smithfield Buildings) that have been managed well and they feel that from a local perspective they have no objections to the proposals. The determination of the application will depend on how the premises are managed in terms of the proper use of the acoustic lobby and controlling the use of the outside area. The mitigation proposed and the maximum internal noise levels as stated in the submitted acoustic report are acceptable. The submitted waste management strategy is acceptable.

Greater Manchester Police - Stated that they have no comments to make on this occasion

Partnership Office Licensing Section - No representations received

Issues

National Policy

The National Planning Policy Framework (NPPF) sets out Government planning policies for England and how these are expected to be applied. The NPPF seeks to achieve sustainable development and states that sustainable development has an economic, social and environmental role (paragraphs 6 & 7). Paragraphs 11, 12, 13 and 14 of the NPPF outline a "presumption in favour of sustainable development".

This means approving development, without delay, where it accords with the development plan. Paragraph 12 states that:

"Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

The proposed development is considered to be consistent with the NPPF for the reasons outlined below.

Manchester Core Strategy

The Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11 July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

For the reasons below, the proposal is considered to be acceptable and consistent with the following policies:

Policy SP1 (Spatial Principles) - This policy guides the strategic development of Manchester identifying the Regional Centre as the focus for economic and commercial development, retail, leisure and cultural activity, alongside high quality city living. It states that all development within the City Centre regeneration area should have regard to the character, issues and strategy for each regeneration area as identified in the Manchester City Centre Strategic Plan. The core development principles outlined in Policy SP1 are that development should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character, make a positive contribution to the health, safety and wellbeing of residents and consider the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.

Policy DM1 (Development Management) - All development should have regard to specific issues. Of relevance to the proposal are the following points with Policy DM1:

- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Community safety and crime prevention.
- Refuse storage and collection.

The application is considered in detail in relation to the above issues within this report and is considered to be in accordance with this policy.

Saved Unitary Development Plan Policies

Policies DC26.1 and DC26.5 (Development and Noise) - The application is supported by an acoustic assessment and it is considered that proposal would not have an adverse impact on nearby residential accommodation.

LEGISLATIVE REQUIREMENTS

S17 Crime and Disorder Act 1998 provides that in the exercise of its planning functions the Council shall have regard to the need to do all that it reasonably can to prevent crime and disorder.

The effect of the later opening hours on residential amenity

The Northern Quarter is an important part of the City Centre and its distinctive mix of uses forms part of Manchester's wider offer. Whilst there are some long established residential communities within the area (such as those within the Smithfield Estate), the area has seen continuous change since the early 1990s as a result of ongoing investment. This has resulted in the identity of the area becoming more established. In more recent years, this has largely been through growth in the number of bars and restaurants as part of the night-time economy. These changes in the way the area is used have taken place alongside a marked growth in the size of the residential community within the Northern Quarter. This has inevitably created tensions and there is a need to balance and reconcile what can often be viewed as competing demands between those who want to use the facilities that the area provides late into the evening with the reasonable expectations of residents who have chosen to live in a City Centre location.

The proposed extended operating hours would inevitably result in an increase in comings and goings at the premises later into the evening than is currently the case and it is necessary to consider the impact that people congregating outside and around the premises might have on residential amenity. It could be argued that noise could be coming from people using other bars in the area who are simply passing through and that it would not be possible to control such disturbance. However, it is considered reasonable given the particular nature of the area outside of the premises, and the proximity of large amounts of residential accommodation, that this would be more likely to be as a result of people outside (leaving, arriving and smoking) the application site.

Following an assessment of all the information submitted with the application, and the applicant's willingness to accept a personal permission for a temporary period of 6 months, it is considered that the proposed later opening hours on Friday and Saturday until 1am would be acceptable (for an initial temporary period). The reasons for this are given below.

In order to ensure that the bar does not cause disamenity to nearby residential occupiers, a number of recommendations have been put forward in the submitted acoustic report as follows:

- Amplified sound within the application premises shall operate within certain levels only and the maximum level allowed should be achieved during the proposed hours of extension through the use of a noise limiter. The noise limiter should be calibrated to ensure the levels are not exceeded when activated and should be located such that only management has access.
- It should be ensured that loudspeakers are resiliently fixed to the building structure, such that structure borne noise is minimised
- Door staff should be instructed to ensure that entrance doors are kept closed where possible
- When patrons are entering or exiting the premises, the lobby area should be used to ensure at least one door stays closed at all times
- Door staff should remind patrons of the residential nature of surrounding premises and behaviour outside the premises should be monitored accordingly.

These recommendations would be conditional to planning permission to ensure an acceptable development that would not adversely affect the amenity of residents within the area.

In line with the above recommendations, the applicant has already implemented a noise limiter on the amplified music that is played at the premises to ensure that the noise produced operates below permitted, i.e. satisfactory, levels. The music system has been fitted with a tamper proof cover to ensure that the volume cannot be increased. Environmental Health are happy with the noise limits that the amplified music at the premises operates at so it is considered that the proposal is acceptable in this respect.

The submitted acoustic report acknowledges that there are residential properties in all directions from the application premises, including directly above. The report states that the residential flat above the bar is the most likely to be affected by noise transmission through the separating floor, whilst the windows of a residential block across Dorsey Street and a residential block to the northwest of the side facade are the most likely to be affected by noise breakout through the building facades. The report also acknowledges that the front facade sound reduction performance is drastically reduced when both entrance doors are opened at the same time, i.e. for the entrance lobby. As stated above, the report therefore recommends that it is important that staff are instructed to ensure one door within the entrance lobby is kept closed at all times when patrons are entering or exiting the premises. This recommendation has been conditioned and provided the premises is operated in accordance with this recommendation, it is considered that noise breakout from the entrance to the premises from Dorsey Street would not cause any undue issues for neighbouring/nearby residential occupiers. The submitted acoustic report also assesses the potential for amplified music to escape through the existing air conditioning vents and it was found that this would not cause any undue issues.

The applicant already enforces a dispersal policy at the premises to ensure that minimum disturbance or nuisance is caused to neighbours and to ensure that the operation of the premises has a minimum impact on the neighbourhood in terms of potential nuisance and anti-social behaviour. The applicant has stated that if they gain approval for the increased trading hours they will have effective management in

place to ensure that this remains to be the case. Door staff will continue to remind patrons that there are nearby residential properties so they should leave quickly and quietly. Door staff would also continue to monitor behaviour outside the premises, including smokers, and the congregation of people outside the premises would be discouraged.

Although it is considered that the increase in hours would be acceptable when assessing how the bar is proposed to be operated and the measures that are already in place as highlighted above (and would continue to be the case), due to the history of complaints at the site and the number of objections that have been received to the current application, it is considered that a personal permission for a temporary period of 6 months is appropriate in this instance to ensure that the bar can be operated in the way proposed during the later trading hours and that this does not cause any adverse impact on adjacent/nearby residential occupiers. Following the 6 months temporary permission, a further temporary permission, possibly for a longer period, could be considered if no adverse issues have been identified with regard to the amenity of neighbouring residential occupiers.

It should be noted that the Tib Street Tavern and Wheatsheaf Public Houses are close to the same residential accommodation as Cord Bar and could create similar adverse impacts as these do not have hours restrictions. These are both established late night venues which have operated for many years without hours restrictions imposed by planning.

Security

The bar already has a digital CCTV system in place covering all areas of the premises, including external areas. The cameras have night vision capability and recorded footage is, and will continue to be, kept for a minimum of 28 days. The bar already employs SIA (Security Industry Authority) trained door staff. There will continue to be at least one SIA trained member of staff on the door on a Friday and Saturday from 9pm plus on other days subject to a risk assessment as per the current premises licence. Staff have been trained in methods of dispersing customers who are leaving the premises and encouraging smokers to keep noise to a minimum. This is considered to be acceptable. Greater Manchester Police were consulted on the application and have no objections.

Waste management

As stated above, general and recyclable waste is collected daily by a specialist refuse contractor, Manchester Bags and Bins. Refuse, glasses or glass bottles from the building are not disposed of in outside receptacles between the hours of 10pm and 8am, in line with the licensing conditions. Within these times, refuse is stored within the building and then moved by Cord Bar staff to an area outside the fire exit for collection at the relevant times. Environmental Health have no objections to the submitted waste management strategy for the site.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Head of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation TEMPORARY APPROVAL

Article 35 Declaration

Officers have worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Appropriate conditions have been attached to the approval.

Conditions and/or Reasons

- 1) The permission granted shall be personal to Mr J Ward (the applicant).

Reason - In granting this permission the City Council as local planning authority has had regard to the special circumstances of the applicants and their operation of the use.

- 2) The permission hereby granted is for a limited period only, expiring on 28 February 2017.

Reason - To allow the impact of the permission to be assessed following the temporary approval, pursuant to policy DM1 of the Core Strategy

- 3) Until 28 February 2017 only, the bar premises shall not trade or otherwise be open to the public outside the following hours:

12.00 to 23.00 Monday to Thursday
12.00 to 01.00 on Fridays and Saturdays
12.00 to 22.30 on Sundays and Bank Holidays.

On the expiration of the temporary period specified in condition 2, the premises shall not trade or otherwise be open to the public outside the following hours without the express permission of the local planning authority:

12.00 to 23.00 Monday to Saturday
12.00 to 22.30 on Sundays and Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy DM1 of the Core Strategy.

4) The development hereby approved shall be carried out in accordance with the following drawings and documents:

The submitted basement and ground floor floor plans, received via email on 19 May 2016

The submitted waste management strategy, received via email on 25 July 2016

The submitted Operating Statement, stamped as received by the Local Planning Authority on 27 April 2016

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

5) The development hereby approved shall be carried out in accordance with the submitted acoustic reports from Clement Acoustics ref. 9804-NIA-01 Rev B (particularly Section 8), dated 25 February 2016 and 9804-NIA-02, dated 25 February 2016.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 111996/JO/2016/C2 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Environmental Health
Greater Manchester Police
Partnership Office Licensing Section

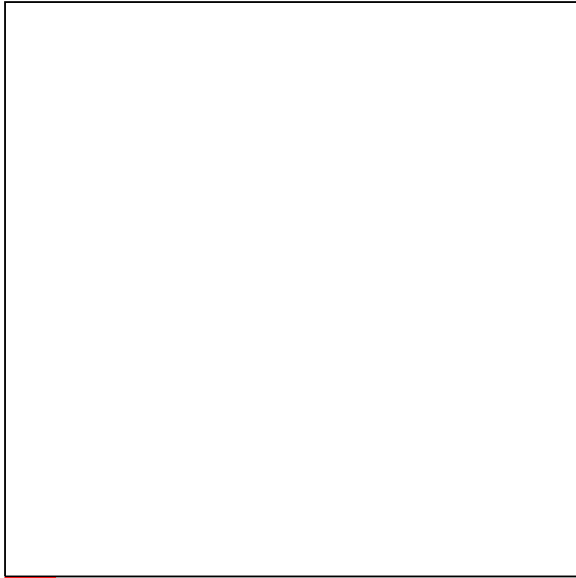
A map showing the neighbours notified of the application is attached at the end of the report.


Representations were received from the following third parties:

Environmental Health
Greater Manchester Police
Flat 6, 1 Dorsey Street, Manchester, M4 1LU
Flat 7, 1 Dorsey Street, Manchester, M4 1LU
Flat 1, 1 Dorsey street, Manchester, M4 1LU

Flat 6, 1 Dorsey Street, Manchester, M4 1LU
1 dorsey street, flat 12, manchester, m4 1lu
Flat 1, 1,Dorsey Street, Manchester, M4 1LU

Relevant Contact Officer : Carolyn Parry
Telephone number : 0161 234 4022
Email : c.parry@manchester.gov.uk



 Application site boundary  Neighbour notification
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